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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.		
09/617,120	07/14/2000	Yoko Katsuya	925-151 5860		
23117 75	590 06/02/2005	EXAMINER			
	ANDERHYE, PC	NGUYEN, DUNG T			
901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER	
			2871		
			DATE MAILED: 06/02/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

· · · · · · · · · · · · · · · · · · ·		Application	on No.	Applicant(s)		
Office Action Summary		09/617,12	20	KATSUYA, YOKO		
		Examiner		Art Unit		
		Dung Ngu	yen	2871		
David 6	The MAILING DATE of this communication	appears on the	cover sheet with the	correspondence address		
THE - Exte after - If the - If NC - Failt Any	ORTENED STATUTORY PERIOD FOR REI MAILING DATE OF THIS COMMUNICATION Insions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, and Independent of the provision of	N. 1.136(a). In no ever reply within the stat iod will apply and withte, cause the app	ent, however, may a reply be ti utory minimum of thirty (30) da ill expire SIX (6) MONTHS fron lication to become ABANDONI	imely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).		
Status						
1)⊠ 2a)□	Responsive to communication(s) filed on <u>21 March 2005</u> . This action is FINAL . 2b) This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
5)□ 6)⊠ 7)□	Claim(s) 8-18,25-40,46 and 48-52 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. Claim(s) is/are allowed. Claim(s) 8-18,25-40,46,48-52 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or election requirement.					
Applicat	ion Papers					
10)	The specification is objected to by the Exame The drawing(s) filed on is/are: a) and a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the	accepted or b) the drawing(s) b rection is requir	pe held in abeyance. Se ed if the drawing(s) is of	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).		
Priority (under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
	et(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)		4) Interview Summary Paper No(s)/Mail D	Date		
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:						

Application/Control Number: 09/617,120

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/21/2005 has been entered.
- 2. Applicant's amendment dated 03/21/2005 has been received and entered. By the amendment, claims 8-18, 25-40, 46, 48-52 are remain pending in the application.
- 3. Applicant's arguments with respect to claims 8, 15, 33, 46 and 49 have been considered but are most in view of the new ground(s) of rejection.

Specification

The amendment filed 03/21/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendment found throughout the specification has the purpose of replace the old equation $d = \lambda/(2xn) \times m$ by the new equation $d = \lambda/(2xn) \times m$ in order to overcome the rejection in the previous office action since "m", according to the old equation, being in the lower in the old equation (i.e., $d = \lambda/(2xn) \times m$), math operation power rule). Such amendment amounts to a change of the scope of the invention (i.e.,

"m" is in the upper equation), and the added scope constitutes new matter. Applicant is required to cancel the new matter in the reply to this Office action.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 5. Claims 8-18, 25-40, 46, 48-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 8, 15, 33, 46 and 49, they have been contained the material which is not supported by the original disclosure; and the amendment to the specification introduces new matter into the disclosure as described above.

Applicant is required to cancel the new matter in the reply to this Office action or it must be re-filed as a continuation-in-part of the parent application with a new oath/declaration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN 05/27/2005

Dung Nguyen Primary Examiner Art Unit 2871